



THE LAW FIRM OF
HUNT, HAMLIN & RIDLEY
COUNSELLORS AT LAW



FOUNDING PARTNERS

RONALD C. HUNT
RAYMOND L. HAMLIN

TERRY RIDLEY
1956-2012

ASSOCIATE COUNSEL
YADIRA C. DURAN
DENNIS-HICKERSON-BREEDON

NEWARK OFFICE
MILITARY PARK BUILDING
60 PARK PLACE, 16TH FLOOR
NEWARK, NJ 07102

PATERSON OFFICE
418 GRAND STREET
PATERSON, NJ 07505

ALL REPLIES TO THE NEWARK OFFICE

TEL: (973) 242-4471
TELEFAX: (973) 242-8295
E-MAIL: iwright@HuntHamlinRidley.com
WEB SITE: www.HuntHamlinRidley.com

†ALSO ADMITTED IN NY

February 8, 2022

Via Electronic Filing

Hon. Madeline Cox Arleo
United States District Judge
U.S. District Court of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street,
Newark, NJ 0710

Re: United States v. Creaghan Harry
Criminal Case No. 19-246

Dear Judge Arleo,

Please accept this letter in response to the Government's letter dated February 7, 2022 and docketed at ECF No. 237.

In essence, the Government filed a response to Defendant's January 28, 2022, letter requesting that it make discovery available to Defendant in searchable format by way of allowing Defendant direct access to the discovery at its office in Newark or via a terminal at the jail where Defendant is being detained.

Defendant will comment briefly in anticipation for the hearing scheduled for this afternoon. The Government complains that the Defendant's letter was not filed on the docket. It further complained about the discrepancy between where the data files are located versus where Defendant represented they are located.

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After a recital of the procedural history related to dialog with the defense related to discovery as well as the rulings of this Court, the Government concludes by asking the Court to deny Defendant's request.

The undersigned undertook the issue of discovery at the departure of former co-counsel, Scott McBride. In the absence of any intimate involvement with the Government related to discovery, the undersigned attempted to satisfy Your Honor's directive to provide alternative quotes from third-party vendors for the housing, maintaining and searching of the voluminous data provided as discovery by the Government.

After realizing the impossibility of the task, the undersigned merely wrote a letter to the Government highlighting the complexity of the burden and reasoning that the better avenue is to make discovery available and searchable to Defendant directly instead of defense counsel.

The letter was not docketed because it was not a letter, motion nor a request of Your Honor for any type of relief. It was a private discovery communication between the Defense and the Government related to an issue the Court had knowledge of and of which the Court would inquire about at some point.

In essence, it is not Defendant's counsel who is the primary party that needs access to the discovery in this matter. It is the Defendant. No defense can be formulated on Defendant's behalf without his guided knowledge about the facts in relation to his interpretation of the discovery as he sees it in the context of the circumstances related to when those facts arose.

In other words, instead of creating an unending relay loop of spending limitless hours reviewing millions of files, including the expense and time of traveling back and forth to Atlanta, tag teaming that information to Defendant and then spending limitless hours with Defendant in order to make sense of the information and how it could be used, there is a more obvious alternative. Provide access to the material directly to Defendant. Defendant can review and then confer with counsel.

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Allowing Defendant direct access to the discovery data in a more searchable format is the easiest, fastest, efficient and most cost effective way to resolve the discovery issue.

Since the letter was addressed to counsel for the Government, it is not known why a response was written to Your Honor as opposed to defense counsel. In any event, Defendant is anxious to get the discovery issue resolved so that this case can proceed to trial in normal course.

Respectfully submitted,

s/Isaac Wright, Jr., Esq.
Attorney ID #015092008

IW/

C: Jacob Foster, Esq. (AUSA)
Darren Halverston, Esq. (AUSA)
File